L. Ed. 830. There is an important distinction between the definition of a burglary and a statement of the circumstances which may have surrounded "the perpetration of" a burglary. The former is invariable. The latter varies with each case. By definition the burglary is the breaking and entering the house in the night time with the intent to commit a felony therein, and after such acts were done it was a burglary whether the felony was executed or not. On the other hand the things which occur "in the perpetration of the crime" change with every case. All these possible circumstances are set forth in the following cases: *Commonwealth* v. *Eagan,* 190 Pa. 18, 42 Atl. Rep. 374; *Dolan* v. *People,* 64 N. Y. 485; *Bissot* v. *State,* 53 Ind. 408; *State* v. *Brown,* 7 Oreg. 186, 7 Oreg. 208, 209. For a case in which there was a previous agreement not to hurt any one, see, *People* v. *Vasquez,* 49 Cal. 560. In a case of conspiracy to commit a robbery where one party remained in a buggy fifty yards away, the one so remaining in the buggy was convicted of murder in the first degree. *Loveland* v. *State,* 70 Ohio St. Rep. 514, 72 N. E. 1161. See also cases cited in the 21 AMER. & ENG. ENC. LAW (2 Ed.) 141, note 2. PRICE and CREW, JJ., dissenting, take the view that the perpetration of the burglary was complete when the house was entered, or at least while the burglars were within the house; and that, as they carried nothing away in their flight, the crime of burglary was complete when they left the house, and, therefore, the killing of the policeman thirty feet from the house was not in perpetration of the burglary, or a part of the res gestae of the burglary. In support of this argument each case cited *supra* was carefully reviewed and distinguished from the principal case. That the words of this penal statute are not technical and must be strictly construed, and cannot be extended by implication to cover cases not strictly within their terms, see *Hall* v. *State,* 20 Ohio 8; *Shultz* v. *Cambridge,* 38 Ohio St. 659; *White* v. *Woodward et al.,* 44 Ohio St. 347, 7 N. E. 446.

INJUNCTION—BOYCOTTS—RIGHT TO USE THE SYMPATHETIC STRIKE.—A manufacturer of building materials declared for the "open shop" and his employees who were union men went on a strike. The unions embracing the building trade, through their officers, notified the boss carpenters that the manufacturer's goods were "unfair" and that union men would not handle them, and that if any boss carpenter did handle the goods, his employees would be called out on a strike. Some of the boss carpenters broke their contracts with the manufacturer. Others who had made no contract refrained from using the goods. *Held,* that this was a wrongful interference with plaintiffs' right to a free market, and that the manufacturer is entitled to an injunction, restraining the officers of the union from directing or ordering a strike. *Alfred W. Booth & Bro.* v. *Burgess et al.* (1906), — N. J. Eq. —, 65 Atl. Rep. 226.

Sir Frederick Pollock in his work on TORTS, p. 317, lays down the rule that "Persuading or inducing a man, without unlawful means, to do something he has a right to do, though to the prejudice of a third person, gives that person no right of action, whatever the persuader's motives may have been." Citing the case of *Allen* v. *Flood,* A. C. 1, 67 L. J. Q. B. 119, which

was decided by the House of Lords in 1898, overturning a long line of English decisions. But this decision seems to have been reversed by the House of Lords in 1901, in *Quinn* v. *Leatham,* [1901] A. C. 495. This was followed by *Giblan* v. *Nat. Amal. Union* [1903], 2 K. B. 600, *Glamorgan Coal Co.* v. *S. Wales Miners' Federation* [1903], 2 K. B. 545. See article, THE AUTHORITY OF ALLEN v. FLOOD, MICHIGAN LAW REVIEW, Vol. 1, p. 12. In the United States there are a number of federal decisions which hold the "boycott" and the "sympathetic strike" to be an unwarranted and unlawful interference with a man's business, where the effort is made to induce third persons not to deal with him. They also hold the injunction to be a proper remedy in such cases. *Casey* v. *Cincinnati Typographical Union No. 3 et al.,* 45 Fed. Rep. 135; *Arthur et al.* v. *Oakes et al.,* 63 Fed. Rep. 310; *Oxley Stone Co.* v. *Cooper's International Union etc. et al.,* 72 Fed. Rep. 695; *Knudsen et al.* v. *Benn et al.,* 123 Fed. Rep. 636. The state decisions are very numerous and somewhat contradictory. Among the later decisions, the following would seem to support the position taken by the New Jersey court: *Doremus et al.* v. *Hennessy,* 176 Ill. 608; *Beck* v. *Railway Teamsters Prot. Union,* 118 Mich. 497; *Jensen* v. *The Cooks and Waiters' Union et al.,* 39 Wash. 530; *Lucke* v. *Clothing Cutters etc.,* 77 Md. 396; *Plant* v. *Woods,* 176 Mass. 492, (C. J. HOLMES dissenting); but see *Worthington* v. *Waring et al.,* 157 Mass. 421. The following cases dissent: *Orr* v. *Home Mut. Ins. Co.,* 12 La. 255; *Perkins* v. *Pendleton,* 90 Me. 166; *Clemmitt et al.* v. *Watson,* 14 Ind. App. 38; *National Protective Ass'n of Steam Fitters etc., et al.* v. *Cummings et al.,* 170 N. Y. 315.

INJUNCTIONS—CORPORATIONS—OFFICERS INDIVIDUALLY LIABLE.—S. filed a bill to restrain the E. and M. Company from fraudulently using her bottles and labels, and obtained a decree for an injunction and an accounting for certain profits earned by the defendant company through the use of said bottles and labels. *Saxlehner* v. *Eisner and Mendelson Co.* (1900), 179 U. S. 19, 21 Sup. Ct. 7. Complainant was unable to collect anything from the company, and now files a bill alleging that the said E. and M. had full powers of attorney from the company; that they had had exclusive control of the company and had instituted the frauds complained of in the previous suit. The bill prayed that an injunction issue to restrain the said E. and M. as individuals jointly and severally. *Held,* that the defendants could be individually liable under the facts stated, even though a previous decree had been granted against the corporation. *Saxlehner* v. *Eisner et al.* (1906), — C. C. A. 2nd Cir. —, 147 Fed. Rep. 189.

The case is a unique one, and a similar question does not seem to have arisen in the courts. The facts show that at the time the company was enjoined, an injunction against the company alone seemed sufficient to afford relief. But the later actions of the defendants gave good grounds for believing that they, as individuals, would carry on the fraud. And it has been held that such threatened future action can be enjoined. See *Bonaparte* v. *Camden and A. R. Co.* (1830), Fed. Cases No. 1617. Moreover, they had managed the corporate property, so as to make the accounting for profits